

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GERARD PADULA,
Plaintiff,

v.

8:11-CV-00607

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This action brought pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), was referred by this Court to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation under 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York (“Local Rule(s)”).

The Report-Recommendation dated April 12, 2012, recommended that the decision of the Commissioner of Social Security be affirmed and the Complaint dismissed (Dkt. No. 15). Plaintiff filed a timely objection to the Report-Recommendation (Dkt. No. 16).

II. STANDARD OF REVIEW

Objections to a Magistrate Judge’s Report-Recommendation are governed by Local Rule 72.1(c), which requires a party to “specifically identify the portions of the proposed findings, recommendations, or report to which it has an objection, and the basis for the

objection.” N.D.N.Y. L.R. 72.1(c); see also Fed. R. Civ. Pro. 72(b)(2) (“[A] party may serve and file specific written objections to the proposed findings and recommendations”). When objections to a Magistrate Judge’s Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. See id. To the extent that the objections contain “only conclusory or general arguments, or simply reiterate[] the original arguments,” the Court will review strictly for clear error. DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009) (citations omitted); Farid v. Bouey, 554 F. Supp. 2d 301, 306 (N.D.N.Y. 2008) (citing McAllan v. Von Essen, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007)). A decision is “clearly erroneous” when the Court, upon reviewing the entire record, is “left with the definite and firm conviction that a mistake has been committed.” United States v. Snow, 462 F.3d 55, 72 (2d Cir. 2006) (citation omitted).

III. DISCUSSION

Plaintiff offers various objections to the Report-Recommendation, but none of them satisfy the requirements of Local Rule 72.1(c). Contrary to Rule 72.1(c), Plaintiff’s objections offer “mere[] perfunctory responses,” and are devoid of any specific reasons or legal authority on which his arguments rely. Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766, (2d Cir. 2002); Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008). Moreover, Plaintiff’s reference to “previously filed papers or arguments,” see Dkt. No. 16, fails to dissuade the inference that his objections endeavor only to engage the Court in a “rehashing of the same arguments” made to the Magistrate Judge. Mario, 313 F.3d at

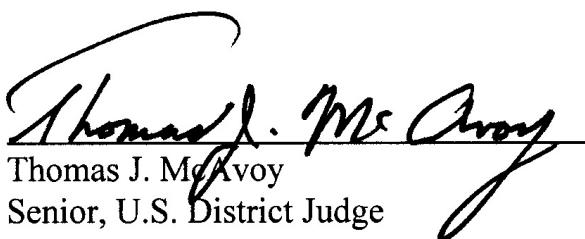
766; McAllan, 517 F. Supp. 2d at 679. Because Plaintiff's objections are conclusory and reference arguments previously made to the Magistrate Judge, the Court reviews the Report-Recommendation for clear error.

IV. CONCLUSION

Having reviewed Magistrate Judge Baxter's Report and Recommendation, and having considered Plaintiff's objections, this Court has found no clear error and adopts the Magistrate Judge's Report-Recommendation for the reasons stated therein. Accordingly, it is hereby **ORDERED** that the decision of the Commissioner is **AFFIRMED** and Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

IT IS SO ORDERED.

Dated: July 16, 2012



Thomas J. McAvoy
Senior, U.S. District Judge